

### **UMA ALCOHOL POLICY**

POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IS NOT ALLOWED ON ANY UMA PREMISES EXCEPT UNDER THE FOLLOWING CONDITIONS:

Alcoholic beverages may be possessed or consumed on the UMA campus only by persons 21 years of age or older and only with specific authorization. Permission may be granted by the Director of Student Services. A "UMA Social Event Registration Form" must be completed and returned to the Office of Student Services at least one week prior to the event and preferably at the time of initial planning. The form indicates the specifics of the event and lists those responsible for assuring that University policies and State laws are observed. For permission to possess and consume alcohol at Centers, contact the appropriate Center Director. No alcohol will be served at any student function on campus. When alcohol is permitted, such functions will occur off campus at facilities licensed to sell alcohol. All individuals should be aware of the laws pertaining to the sale, possession, and use of alcoholic beverages, particularly the following:

A. Consumption of alcoholic beverages is prohibited in a public place. This applies to any and all UMA functions open to the public, such as concerts, dances, and athletic events whether inside UMA buildings or out-of-doors.

B. Anyone under 21 years of age who purchases or possesses any intoxicating liquor may be punished by a fine.

C. Anyone that knowingly aids a minor in procuring liquor may be punished by a fine or imprisonment or both.

D. Anyone who sells liquor without a license may be punished by fine or imprisonment or both.

E. No institutional funds may be used to purchase alcoholic beverages.

F. A reasonable quantity of nonalcoholic beverages will be made available during any function authorized to permit the consumption of alcohol.

G. Each Individual must assume responsibility for his/her behavior while drinking and must understand that being under the influence of alcohol in no way lessens accountability to the University community. Infraction by students of regulation pertaining to the use of alcoholic beverages will be dealt with under the Disciplinary Code. infraction

by staff and/or non-students will be brought to the attention of the appropriate administrative official.

Any student, faculty, or other sponsoring group desiring alcoholic beverages at a University social function should be aware of and follow currently approved procedures.

ANY QUESTIONS REGARDING APPROPRIATE INTERPRETATION OF APPROVED PROCEDURES SHOULD BE REFERRED TO THE OFFICE OF STUDENT SERVICES.

### **UNIVERSITY POLICY ON ALCOHOL AND ILLEGAL DRUGS**

University policy recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Accordingly, each campus and System Wide Services have designated an individual to assist employees and students who seek referral for assistance with a substance abuse problem. Students, faculty, and staff members with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling and prevention services.

However, employees and students availing themselves of these services will not be granted special privileges and exemptions from standard personnel practices applicable to job performance requirements and from standard academic and student conduct requirements. The University will not excuse acts of misconduct committed by employees and students whose judgement is impaired due to substance abuse.

#### **Alcoholic Beverages**

The sale, possession and use of alcohol on campuses of the University of Maine System must comply with the laws of the State of Maine and with local campus regulations and procedures. The acquisition, possession, transportation and consumption of alcohol by anyone under 21 years of age is prohibited by University policy.

Alcohol may be possessed or consumed on University property only by persons 21 years of age or older in their rooms or in appropriately licensed and/or approved campus facilities. Persons are

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expected to assume responsibility for their own behavior while drinking and must understand that being under the influence of alcohol in no way lessens their accountability to the University community.

### **Illegal Drugs**

The possession, use, manufacture or distribution of illegal drugs (heroin, cocaine, marijuana, LSD, steroids, etc.) is prohibited at any time on University property and as part of any University activities. "Illegal drugs" does not mean the use of drugs under a valid prescription. Employees and students known to use, possess, manufacture or distribute illegal drugs are liable to public law enforcement actions and University disciplinary actions.

### **Sanctions**

Employees and students who violate the University's policy will be subject to disciplinary action by the University. The severity of the imposed sanctions will be appropriate to the violation; possible sanctions include suspension, probation, dismissal, restitution, official censure or reprimand, referral for prosecution, participation in a rehabilitation program, and other actions the University deems appropriate.

### **Special Rules that Apply to Employees and Students Under the Drug-Free Workplace Act**

In November of 1988, the United States Congress enacted the Anti-Drug Abuse Act which contains a section called the "Drug Free Workplace Act of 1988." This section requires organizations receiving federal grants and contracts to ensure that their workplaces are free from illegal use, possession, manufacture or distribution of controlled substances.

The law requires employees who receive federal funds to:

- notify employees that drug abuse is prohibited in the workplace,
- establish a drug-free awareness program
- require each employee to notify the University of any criminal conviction for violations occurring in the workplace, and
- impose sanctions or remedial actions for convicted employees

As a result of the Anti-Drug Abuse Act of 1988, a court of law may suspend or terminate an individual's eligibility for Federal benefits, including

student financial assistance, if that individual is convicted of certain drug offenses.

As a University employee, the Drug Free Workplace Act requires you to notify your supervisor (for example, Department Director or Principal Investigator) if you are convicted of any workplace-related criminal drug violation. You must notify your supervisor within 5 calendar days after the conviction. Failure to report a conviction may be grounds for dismissal.

Grantees, whether the University or individuals, must report in writing to the contracting or granting agency within 10 calendar days of receiving notice of the conviction.

Violations of the Drug Free Workplace Act can result in:

- disciplinary action, including dismissal
- suspension of payments under the grant
- suspension or termination of the grant
- suspension or debarment of the grantee

### **Maine Alcohol Laws**

**Furnishing liquor** to a minor or a visibly intoxicated person (or allowing a minor under your control to consume alcohol): up to \$2,000 fine and one year in jail,

#### **Maine Liquor Liability Act:**

Civil liability for negligently or recklessly serving alcohol to a minor or a person visibly intoxicated. If property damage, bodily injury or death results, monetary damages may be awarded. This Act could apply to a person or organization that is not licensed to serve alcohol.

#### **Illegal sale of liquor**

(without a license from the Maine Bureau of Alcoholic Beverages): \$300-\$500 fine plus 30 days in jail for the first offense.

#### **Illegal possession with intent to sell:**

up to \$1,000 fine and six months in jail. Any vehicle used to transfer liquor with intent to sell can be seized.

#### **Operating Under the Influence (OUI)**

Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under

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the influence of alcohol or drugs or with an excessive blood alcohol level. Penalties for first convictions are:

If your blood-alcohol content is .08 to .14 percent:

- a fine of at least \$300, and
- loss of license for at least 90 days

If your blood-alcohol content is .15 percent or more, or you are traveling 30 m.p.h. or more over the speed limit, or you attempt to elude an officer of the law, or you have a passenger in the vehicle who is under 16 years of age, or you refuse to submit to a blood test on the occasion that results in the conviction:

- a fine of at least \$300
- at least 48 hours in jail, and
- a loss of license for at least 90 days

Penalties for subsequent convictions are more severe. If you are stopped for OUI while under suspension for previous OUI, your vehicle may be seized. If you refuse to be tested, you automatically lose your license for a minimum of 180 days. Maine civil law also prohibits drinking alcoholic beverages while driving on a public road (up to \$500 fine).

## Special Liquor Laws Relating to Minors

### ***Illegal Possession of Liquor***

Any minor (a person under the age of 21 years) who is found to be in possession or control of alcohol is guilty of a civil infraction and shall be fined:

- 1st offense, \$100 to \$300
- 2nd offense, \$200 to \$500
- 3rd and subsequent offense, \$500

### ***Teen Drinking Laws***

An individual under the age of 21 years shall have his/her license suspended for one year if he/she operates a motor vehicle with a blood alcohol concentration of .02 or more. Refusal to submit to a chemical test will result in a one year suspension of a driver's license. One can of beer, one glass of wine, or one ounce of distilled spirits can result in a blood alcohol level of .02 or more.

### ***Illegal Transportation***

No minor shall transport alcohol in a motor vehicle except in the scope of his/her employment or with the parent's knowledge or consent. The penalty is

a 30-day driver's license suspension. A reinstatement fee will be charged to get a license reinstated. Points will be assessed against the offender's license. Up to a \$500 fine may be assessed.

## Maine Drug Laws

Maine law prohibits the knowing, intentional and unauthorized possession, furnishing (distribution or giving away) and trafficking (selling) of scheduled drugs such as cocaine, marijuana, lysergic acid diethylamide (LSD), heroin, and steroids.

*Possess/on* can include merely allowing drugs to be kept in your room, car, or locker even though the drugs are owned by someone else. *Furnishing* means giving drugs to another, regardless of profit. If a student on one end of a bleacher sends drugs to a student at the other end, everyone who passed the drugs and who knew (or should have known) they were passing illegal drugs is legally guilty of "furnishing" that drug. Sharing a line of cocaine with friends (even if the friends don't pay for it) is "furnishing cocaine."

*Trafficking* is selling or exchanging an illegal drug and getting something in return. Aggravated trafficking (carrying longer terms of imprisonment or greater fines) includes one of these factors:

- Trafficking within 1,000 feet of an elementary or secondary school
- Trafficking on a school bus
- Trafficking involving a minor (under 18)
- Trafficking 112 grams or more of cocaine
- Trafficking involving a firearm
- Prior conviction of a drug-related offense with a prison term of more than a year

## Federal Drug Offenses

The criminal offenses most commonly charged under the Federal Controlled Substances Act are the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute, or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute or dispense a "counterfeit substance."

Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment. Furthermore, attempts and/or conspiracies to distribute or

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possess with intent to distribute controlled substances are crimes under federal law.

Specific drug crimes carry greater penalties, including:

- the distribution of narcotics to persons under 21
- the distribution or manufacturing of narcotics near schools and colleges
- the employment of juveniles under the age of 18 in drug trafficking operations
- the distribution of controlled substances to pregnant women

The penalties for violating federal narcotic statutes vary considerably. The penalties may be more harsh based on two principal factors:

- the type of drug involved (heroin, cocaine, marijuana, LSD, etc.)
- the quantity of the drug involved

***With the exception of simple possession charges which result in up to one year imprisonment, maximum penalties for narcotic violations range from 20 years to life in prison.*** Certain violations carry mandatory ***minimum*** prison sentences of either five years or ten years. Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved, the penalties are also more harsh.

Anabolic steroids are controlled substances. Distribution or possession with intent to distribute carries a sentence of up to five years and a \$250,000 fine.

Questions sometimes arise as to what amount of narcotics found in the possession of a person is considered to be for personal use as opposed to the more serious offense of possession with intent to distribute. Federal law, as a general rule, considers anything more than a dosage unit as indicating an intent to distribute. In other words, the greater quantity possessed by the individual, the more likely it is that an individual possessed such quantity with an intent to distribute.

## **HEALTH RISKS ASSOCIATED WITH ALCOHOL AND DRUG ABUSE**

Alcohol abuse and drug use problems have become a national health concern. Alcohol is a

chemical. So are drugs. Any chemical is potentially harmful to someone. Some of the health risks associated with alcohol are listed below. You should contact the resources in this handbook for additional information about health risks.

### **ALCOHOL**

- Slowing down of brain function, judgment, alertness, coordination and reflexes
- Attitude and/or behavioral changes, such as uncharacteristic hostility, or increased risk taking such as driving recklessly
- Alcohol taken with other drugs can intensify the drug's effects, alter the desired effect of the drug, cause nausea, sweating, severe headache and convulsions
- Addiction or chemical dependency
- Memory blackouts
- Uncharacteristic family, school, work or legal problems
- Physical problems such as cirrhosis of the liver
- Birth defects and mental retardation in user's children

### **COCAINE**

- Destroy nasal tissues
- Kidney damage
- Stroke
- Diseases of the lung, heart and blood vessels
- Cardiac arrhythmia, convulsions, seizures, suppression of respiration, sudden death
- Intense anger, restlessness, paranoia, fear
- Hear and see imaginary things
- Malnutrition

### **LSD**

- Experience frightening hallucinations
- Trigger more serious problems for a person who has a history of mental or emotional instability
- Distortions of reality such as feeling that the unusual and sometimes frightening effects of the drug will somehow last forever
- Tolerance with repeated use means that increased amounts are needed to bring about the same effects
- Effects may recur ("flashbacks") days or weeks later, even without further use of LSD
- Death may result from suicide, accident

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## **MARIJUANA**

Elevated blood pressure, coughing, dryness of the mouth and throat, decrease in body temperature, sudden appetite

- Swollen red eyes
- Panic reaction, paranoia
- Distortions of time, reality, and perception, often impairing short-term memory
- Possible addiction
- Dysfunctions related to thinking, learning and recall
- Impaired ability to drive and do other things that require physical and intellectual capabilities
- Irritate lungs, aggravate asthma, bronchitis, emphysema
- Listlessness, tiredness, inattention, carelessness about personal grooming, withdrawal and apathy
- Chronic lung disease and lung cancer

## **HEROIN**

- Loss of appetite
- Addiction with severe withdrawal symptoms
- Drowsiness, clouding of mental processes, apathy, slowing of reflexes and physical activity
- Infection, hepatitis, or AIDS
- Death from overdose

## **STEROIDS**

- Liver disease
- Cancer
- Growth problems
- Testicular atrophy
- Bone fusions
- Acne
- Psychological problems
- Rage and uncontrolled anger
- AIDS
- Breast reduction
- Failure of secondary sex characteristics
- Sexual dysfunction, sterility (reversible), impotence

## **WHERE CAN EMPLOYEES GO FOR HELP?**

Sheri Stevens, Executive Director  
Administrative Services  
Telephone: 621-3110/1-800-696-6000 Ext. 3110

## **WHERE CAN STUDENTS GO FOR HELP?**

Sheri Cranston Fraser  
Coordinator of Retention/Counselor Student Services  
621-3176/1-800-696-6000, Ext. 3176  
Students at Centers or Sites may contact either the Student Services Coordinator at your Center or the designated contact person at the campus of enrollment.

In addition to campus resources, you may find local social service agencies who can help. Consult the telephone directory. "Community Services Numbers" are listed in the front of the directory. Also see the Yellow Pages listings for Alcohol Information and Treatment Centers and Drug Abuse and Addiction Information and treatment.

The following state and national telephone number may also be helpful:

1-800-499-0027 Office of Substance Abuse - information and Resource Center, to receive information about treatment services.

1-800-452-6457 Maine Bureau of Drug Enforcement - You may confidentially and anonymously report information about the illegal trafficking of drugs.

1-800-COCAINE Cocaine Hotline

## SOME STATE OF MAINE ILLEGAL DRUG VIOLATION PENALTIES

	COCAINE		MARIJUANA-		LSD		HEROIN		STEROIDS	
	PRISON	FINE**	PRISON	FINE	PRISON	FINE	PRISON	FINE	PRISON	FINE
Possession*	up to &/or 1 yr.	\$2,000	(1st offense) up to &/or 1 yr.	\$200- \$400	up to &/or 1 yr.	\$2,000	up to &/or 5 yrs.	\$5,000	up to &/or 6 mos.	\$1,000
Possession with intent to furnish	up to &/or 5 yrs.	\$5,000	up to &/or 1 yr.	\$2,000	up to &/or 5 yrs.	\$5,000	up to &/or 5 yrs.	\$5,000	up to &/or 1 yr.	\$2,000
Possession with intent to traffick	up to &/or 10 yrs.	\$20,000	up to &/or 5 yrs.	\$5,000	up to &/or 10 yrs.	\$20,000	up to &/or 10 yrs.	\$20,000	up to &/or 1 yr.	\$2,000
Possession with intent to commit aggravated trafficking	4- &/or 40 yrs	\$50,000	2- &/or 10 yrs	\$20,000	4- &/or 40 yrs	\$50,000	4- &/or 40 yrs	\$50,000	1-5 &/or	\$5,000
Furnishing	up to &/or 5 yrs.	\$5,000	up to &/or 1 yr.	\$2,000	up to &/or 5 yrs.	\$5,000	up to &/or 5 yrs.	\$5,000	up to &/or 1 yr.	\$2,000
Trafficking	up to &/or 10 yrs.	\$20,000	up to &/or 1 yr.	\$2,000	up to &/or 10 yrs.	\$20,000	up to &/or 10 yrs.	\$20,000	up to &/or 1 yr.	\$2,000

\* The amount of the drug possessed determines whether the crime is categorized as merely possession or possession with intent to furnish, traffic or commit aggravated trafficking.

\*\* The Court may order any person convicted of possession, furnishing or trafficking to pay a fine in an amount up to twice the pecuniary gain he/she derived from the crime.

\*\*\* The amount of marijuana will increased the penalties. For example, the penalties for trafficking are increased to up to 10 years jail and \$20,000 fine if the amount of marijuana is 20 pounds or more.

NOTE: State law allows for forfeiture of motor vehicles used in the commission of drug related crimes.



The University of Michigan

Maureen A. Hartford

Office of the Vice President  
for Student Affairs

60 15 Fleming Building  
Ann Arbor, Michigan 48109-1340  
313 764-5132

September 1995

Dear University of Michigan Student:

Welcome back! I hope that your summer months were productive and that, like myself, you are looking forward to another exciting year here at Michigan.

I am writing this letter to introduce you to a significant part of the effort to aid in the prevention and treatment of alcohol and other drug abuse problems among members of the University of Michigan community: ***The University of Michigan Student Policy on Alcohol and Other Drugs***.

There can be no question that alcohol and other drug abuse is a significant problem on our campus. Individuals who abuse substances may suffer from a number of health related and other short and long-term medical, behavioral, and social problems. Such problems may range from comas to hangovers, violent behavior to academic problems. In several well-publicized national studies, 20 to 25% of college students have reported these types of consequences as a result of alcohol or other drug abuse. In a 1993 study conducted by the University of Michigan Initiative on Alcohol and Other Drugs, it was found that there are indications of serious alcohol problems in at least 18% of undergraduates here at Michigan. All of us probably know a friend or family member who has experienced difficulty as a result of the use or abuse of alcohol or other drugs.

The Division of Student Affairs is committed to providing an environment which will help to reduce the incidence of such problems among students. This effort has taken many forms, including: education, the provision of counseling and the establishment of community-wide expectations and norms. ***The Student Policy on Alcohol and Other Drugs*** is a cornerstone in this initiative, and I am proud to present it to you in this light.

As you may already know, the ***Policy*** was developed in 1993, and there was major student participation in each stage of the process. As a result of this process of involvement, I believe, this document reflects the needs and values of University of Michigan students. However, the Board of Regents has directed that revisions be made to Appendix B, the Statement of Student Rights and Responsibilities. As soon as those revisions are made and approved, you will receive a revised copy.

I strongly encourage you ***to read the Policy*** in its entirety. It contains much information that may be helpful to you in learning more about the issue of alcohol and other drug abuse, as well as important information regarding expected standards of behavior for members of our community. If you have questions about the policy or its implementation, please feel free to contact the Office of the Dean of Students (3000 Michigan Union, 764-7420) at any time.

Once again, welcome back to campus. On behalf of the Division of Student Affairs, I wish you continued success in all of your endeavors during this upcoming academic year.

Sincerely,

Maureen A. Hartford  
Vice President for Student Affairs

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# THE UNIVERSITY OF MICHIGAN STUDENT POLICY ON ALCOHOL AND OTHER DRUGS

## Preamble

The University of Michigan and its students, faculty, and staff, are committed to providing a safe, healthy learning community for all its members. The Division of Student Affairs has primary responsibility for working with students to establish policies regarding student use of alcohol and other drugs. The Division further strives to encourage safe and legal behavioral norms, standards, and practices regarding student use of alcohol and other drugs. The purposes of this Student Policy on Alcohol and Other Drugs are to define the philosophical framework for the University's values, and to define acceptable and unacceptable student behavior with regard to alcohol and other drugs.

Students are affected by alcohol and other drug abuse in a variety of ways. Individuals who abuse substances may suffer from a number of health-related and other short and long-range medical, behavioral, and social problems. Health problems suffered by students on this campus have ranged from overdose, coma and death to hangovers, disorientation, and psychological problems, among others. Alcohol and other drug abuse is associated with violent behavior toward others. It may lead to inappropriate risk taking which can result in injury or death, unplanned pregnancies and sexually transmitted diseases. Alcohol and other drug abuse has negative effects on academic and work performance, can result in conflicts with others, and can lead to legal problems. In national studies, approximately 20 to 25 percent of students on college campuses have reported these types of negative consequences as a result of alcohol and other drug abuse.

The abuse of alcohol and other drugs interferes significantly with the mission of the University. In addition to affecting the health and safety of students, faculty and staff, it also exacts a tremendous cost in its interference with goals of learning, and through crime, property damage, and risk management. Because of these problems, the University of Michigan Task Force on Alcohol and Other Drugs, in a 1990 report, recommended that policies be developed throughout the University to begin to change the environmental factors that contribute to these problems. This policy is one of many that have developed across the University to address alcohol and other drug abuse problems in specific divisions. In addition to these policies, the University is required by the Federal Drug-Free Schools and Campuses Act of 1989 to distribute each year the information contained in the Appendices of this document.

The policy covers the following areas:

1. General Principles
2. Prevention and Assistance
3. Values with Regard to Specific Substances
4. Values with Regard to Student Organizations
5. Sanctions

## 1. General Principles

### *University as a Community*

Students, faculty and staff make up a community in which each individual should respect the rights, health, property, and participation of others within the community.

### *Responsibility*

Students and student organizations at the University of Michigan accept the rights and responsibilities of membership in this academic and social community when they are admitted to or affiliated with the University. Each student and student organization is expected to demonstrate respect for others and to follow all federal, state and local laws and the rules of the University as they apply to alcohol and other substances.

The Division of Student Affairs is charged with the responsibility to address the problems of alcohol and other drug abuse by educating students about this policy, and by providing programs and resources for education, prevention and treatment. The Division of Student Affairs also has the responsibility to take appropriate disciplinary action regarding substance use covered under this policy.

### *Comprehensiveness*

The creation and maintenance of an environment that promotes health and safety requires a comprehensive, integrated set of policies and programs. It is the University's goal that all units of the University develop a policy similar to the University of Michigan Student Policy on Alcohol and Other Drugs. The manner in which each school or unit of the University carries out such a policy may vary.

The Student Policy on Alcohol and Other Drugs is a comprehensive statement that applies to students throughout the University community. Students who are employees of the University should be aware that they may also be held responsible for employee behaviors outlined under the Alcohol and Other Drug Policy of their employing unit.

### *Relations between Policies, Prevention, Intervention, Rules and Sanctions*

Federal, state and local laws and other mandates require policies and procedures that stipulate sanctions for violations of standards for misuse of alcohol and other drugs. However, the University's efforts go beyond rules and sanctions to develop and sustain healthy community-wide norms to prevent problems from occurring and to provide resources for intervention and assistance.

### *Value of Norm Setting*

Through the mechanisms discussed in this policy, the Division of Student Affairs endeavors to develop, affirm, maintain and modify community-wide, behavioral norms. These clearly articulated, behavioral norms will allow for the accomplishment of mutual goals, including the growth, development and effectiveness of all students. To assist in this endeavor, the Division of Student Affairs will periodically review its policies, practices and programs on alcohol and other drugs.

### *Reach*

The Student Policy on Alcohol and Other Drugs pertains to the activities of all students on University property and the activities of students at University-sponsored events or at off-campus activities while officially **representing** the University community. Unlawful use, manufacture, sale or distribution of alcohol is prohibited on University property or at official University functions. Illegal sale, distribution or manufacture of illicit drugs on University property, at

University-sponsored events, or within a 30-mile radius of campus, will result in a challenge through the student judicial system. Sanctioning procedures under this policy are outlined in Section 5: Sanction for Policy Violations.

If the student has been convicted of illegal sale, distribution or manufacture of drugs in a court of law, wherever the incident took place, the student may be subject to disciplinary action by the University.

#### **Consistency**

The Student Policy on Alcohol and Other Drugs is consistent with values described in *A University Community Approach to Alcohol and Other Drugs: Phase One Report of the Michigan Task Force on Alcohol and Other Drugs*.

## **2. Prevention and Assistance**

The Division of Student Affairs will facilitate the prevention of problems through: promoting and supporting alcohol-free institutional programming, informing students regarding policies related to alcohol and other drugs, training students in the provision of assistance, and creating an atmosphere in which those with problems are encouraged to seek help. To establish an environment that discourages the unacceptable use of alcohol and other drugs and that helps to prevent problems related to those substances, the Division of Student Affairs' prevention efforts include:

Building awareness of the scope of the problem of alcohol and other drug abuse and specific policies regarding the use of alcohol and other drugs. This can be accomplished by communicating this information through student handbooks, orientation programs, residence hall meetings, letters to students, and other efforts;

Discouraging the promotion and advertising of alcohol, tobacco and other drug use;

Offering alternatives to alcohol and other drug use through consistently supporting social events not centered around either;

Providing educational programs for students in academic and non-academic setting. These programs will include a variety of topics: problems associated with alcohol and other drug misuse, development of healthier lifestyles, skills in decision-making, stress management, resistance to peer pressure, risk reduction, and identifying and helping others with alcohol and other drug problems;

Supporting and encouraging faculty to incorporate alcohol and other drug education into the curriculum where appropriate;

Developing a coordinated effort across campus regarding alcohol and other drug education, treatment, and referral;

Supporting and encouraging student organizations to incorporate alcohol and other drug education into programs and events, when appropriate;

- Working toward early identification of behaviors or factors in the campus environment that place students at high risk for alcohol and other drug problems;
- Assessing the institutional environment as an underlying cause of alcohol and other drug abuse;
- Collecting and using alcohol and other drug-related statistics from available surveys and reports to guide program development; and
- Encouraging early intervention and assistance for those with alcohol and other drug problems.

#### **Resources for Assistance**

All students are encouraged to seek help early in the discovery of a problem with alcohol and/or other drugs, and to learn how to assist others with problems related to the use of substances. There are many resources on campus and in the community for confidential individual and student organization assistance. Students seeking help should feel comfortable approaching residence hall staff, faculty, academic advisors, or Student Affairs staff about resources for assistance. University resources such as Counseling Services and Health Service are confidential and available to students without charge. In addition, non-university resources in the community are also available. The earlier assistance is obtained, the less likely there will be serious, negative consequences resulting from an alcohol or other drug problem. Students seeking assistance for a substance abuse problem will not be sanctioned by the University as a result of seeking such assistance. See Appendix A for a listing of resources.

## **3. Values with Regard to Specific Substances**

The Division of Student Affairs supports the following values and general principles with regard to substances;

Alcohol	<p>Abstinence, as an option, is supported and never discouraged.</p> <p>While moderate, legal alcohol use is accepted, the drinking of alcohol is never encouraged.</p> <p>Excessive use of alcohol is always discouraged.</p> <p>Illegal behaviors involving alcohol (e.g., underage drinking, manufacturing and distributing false identification, drinking and driving) are not acceptable.</p>
Tobacco	<p>Non-religious use of tobacco (including smoking) is discouraged and all use is not acceptable where its use is prohibited by law or University policy, or is harmful or offensive to others.</p>
Illicit Drugs	<p>Possession, sale or use of illicit drugs is not acceptable.</p>
Other Drugs	<p>Improper or illegal use of prescription medications, controlled substances or other legal drugs is not acceptable.</p>

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Certain of these values are established as conduct standards under the Statement of Student Rights and Responsibilities, violation of which may result in referral to the Judicial Advisor's office and possible disciplinary action under the Statement of Student Rights and Responsibilities (see section 5 below).

#### **4. Values with Regard to Student Organizations**

Each student organization should adopt a policy on the use of alcohol and other drugs. Student organization policies shall strive to reflect the values of this policy, comply with federal, state and local laws, and minimize criminal and civil liability to the organization and its members. To achieve these values, the following guidelines are RECOMMENDED:

- I. The organization should not sell or provide alcohol to any person.
- II. If alcohol is to be present at an organization-sponsored activity,
  - a. it should not be focus of the event;
  - b. attractive alternative beverages should be provided;
  - c. procedures should be in place to prevent service or sale to persons under the legal age to consume alcohol;
  - d. alcohol beverages should not be purchased with organization funds nor with the contributions of individual members;
  - e. it should not be served from common or self-serve containers;
  - f. service should comply with the rules of the facility.

The University strongly encourages student organizations to develop sanctioning procedures in their system. The Division of Student Affairs will assist student organizations with drafting policies regarding alcohol and other drugs.

#### **5. Sanctions for Policy Violations**

##### ***University Sanctions***

Individual students are governed by the Statement of Student Rights and Responsibilities and its procedures. Violations of the Statement of Student Rights and Responsibilities specific to alcohol and other drugs include unlawful possession, use, manufacture, sale or distribution of alcohol and other drugs. Illegal sale, distribution, or manufacture of drugs may result in a challenge if such action occurs a) on campus, b) within a 30-mile radius of campus, or c) regardless of geographic boundaries if the student has been convicted of a drug-related (other than alcohol) offense in a court of law. Applicable sanctions range from formal reprimand to expulsion. (For complete information regarding sanctions, including a process for initiating a complaint, refer to "Procedures for Responding to Violations of Standards," Section IX: Sanctions in the Statement of Student Rights and Responsibilities *Appendix B*).

The Division of Student Affairs Judicial Advisor's office does not bear sole responsibility for all sanctioning of University policies involving alcohol and other drugs. For example, University Housing, individual academic units, and facilities may maintain internal procedures and may impose sanctions against individuals or groups in violation of their policies involving alcohol and other drugs.

##### ***External Sanctions***

The sanctions imposed under this policy do not diminish or replace the penalties available under generally applicable civil or criminal laws. Students are reminded that many violations of the standards may violate various federal, state and local laws.

(See Appendix C for a listing of federal, state and local laws.)

#### **6. Amendments**

##### ***Proposal***

Amendments to the student policy on alcohol and other drugs can be proposed by any Executive Officer of the University, SACUA, the Dean of Students or any Associate Dean of Students, the Michigan Student Assembly, the recognized student government of any of the University of Michigan (Ann Arbor) schools or colleges, or by a petition sponsored by a student and signed by 200 currently enrolled students. Amendments shall be presented to the Vice-President for Student Affairs.

##### ***Review***

All proposed amendments shall be reviewed during the academic year by a panel appointed by the Vice-President for Student Affairs. This panel may not be less than one-half students, and shall include (at a minimum) representatives from: the Michigan Student Assembly, Health Services, Counseling Services, SODC, Housing and the General Counsel's Office. The panel must meet at least once per academic semester (fall and winter) when amendment proposals are pending. The panel will consider the proposed amendment(s) and issue a recommendation to the Vice-President for Student Affairs. Proposed amendments may be revised by the panel prior to forwarding a recommendation.

##### ***Approval***

Amendments recommended by the above panel shall be approved or rejected by the Vice-President for Student Affairs. Amendment proposals rejected by either the panel or by the Vice President may be revised and resubmitted at any time. This is the only procedure by which faculty, staff, or students can make amendments to the Student Policy on Alcohol and Other Drugs not required by law. Amendments required by law can be unilaterally enacted by the Vice-President for Student Affairs.

EFFECTIVE: September 1, 1995

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## RESOURCES FOR PREVENTION, TREATMENT, AND ASSISTANCE

### University of Michigan Resources

University Health Service 763-8320  
**All services are free and strictly confidential.**

UBS Alcohol/Other Drug Education Coordinator 763-1320  
207 Fletcher Street, Room 209  
Provides referrals, interactive programs to student groups, printed materials.  
**All services are free and strictly confidential.**

University Counseling Services 764-83 12  
3 100 Michigan Union Building  
Provides assessment, short-term individual therapy, group therapy, and referrals (when necessary) for UM students.  
**All services are free and strictly confidential,**  
**Alcoholics Anonymous and Adult Children of Alcoholics support groups offered next door.**

U-M Guide 76-GUIDE (764-8433)  
Provides anonymous, confidential peer counseling phone-line (7pm-8am, daily) for students.

Lesbian-Gay Male-Bisexual Programs Office 763-4186  
3 116 Michigan Union  
Crisis intervention, advice and counsel, and referrals for assistance.

### Community/Self-Help Resources

S.O.S. Crisis Center 485-3222  
Provides counseling and referrals via a 24 hour hot-line

Washtenaw Council on Alcoholism 971-7900  
Provides educational programs and materials, support groups and treatment. **(fees are on a sliding scale).**

Alcoholics Anonymous (AA) 482-5700  
Provides support for people to stay sober and help others achieve sobriety.

Al-Anon 995-4949  
Provides support for those who are involved in relationships with people who abuse alcohol/other drugs.

Narcotics Anonymous 1-3 13-543-7200  
A non-profit group of recovering addicts helping each other remain drug-free. Meetings are scheduled regularly, and the program is one of complete abstinence from all drugs.

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## **National Information and Referral Hotlines**

Cocaine and Crack Information 1-800-888-9383  
Anonymous counseling for cocaine users, friends and family. Referrals offered.  
(24 hrs., 7 days/week)

National Institute on Drug Abuse Hotline 1-800-729-6686  
Provides general information on drug abuse and AIDS as it relates to intravenous drug users.

### **Transportation Services**

Nite Owl  
A free university shuttle bus that runs 2-20 minute routes around central campus from 7:00pm-2:00 a.m., 7 days a week.  
Route schedules are available at the Campus Information Center in the Michigan Union.

Nite Ride 663-3888  
A taxi-like service provided by the City of Ann Arbor. For \$1.50 you can be taken anywhere in the city from 1:00 pm-6:00 am.

## **Emergency Service Telephone Numbers**

Ann Arbor Police 911 (off campus)

Campus Security 9 11 (campus phone)

Assault Crisis Center 483-RAPE

Domestic Violence Project/Safehouse 995-5444, TDD

UM Sexual Assault Prevention & Awareness Center 763-5865 Business Office  
936-3333 Counseling Line

## **University Hospital**

Psychiatric Emergency Services 996-4747

Emergency Medical Services 936-6666

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# THE UNIVERSITY OF MICHIGAN'S STATEMENT OF STUDENTS RIGHTS AND RESPONSIBILITIES

## Preamble

The University of Michigan is dedicated to creating a scholarly community that promotes intellectual inquiry, encourages vigorous discourse, and respects individual freedom and dignity. Civility, diversity of opinion, and freedom of expression are all valued as the necessary foundation for a healthy learning community. All students are welcome members of this community and are expected to participate in sustaining its values.

The University of Michigan and its students are committed to maintaining an inclusive, academically centered community. The goals of this community include creating an environment that supports learning, protects the freedoms guaranteed by the United States Constitution, and assures members of the University community a safe environment free from violence, intimidation, fraud, theft, and harassment. The responsibility for reaching these goals lies with each member of this academic community.

The purposes of this statement are to define students' basic rights within the University community and what students may expect of the University and to explain the academic community's expectations of its student members, including the standard by which student behavior is measured. This statement describes unacceptable student behavior and creates procedures to sanction students if they engage in such unacceptable conduct.

It is the University's goal that all members of the University community adhere to a set of fundamental and ethical standards similar to those that follow for students. The manner in which each group may carry out such standards will vary depending on the rules and procedures established.

## Section 1: Scope of the Statement

This statement does not:

- apply to issues of academic integrity or professional conduct covered by school or college rules: it does not apply if the school or college chooses to employ its rules and procedures to process a case.
- cover the policies or practices of student organizations; it applies only to the actions of individual students.
- apply to nonviolent civil disobedience or student protest. Federal, state, and local laws may be enforced against student demonstrators, but the University will not pursue sanctions under this policy against students for nonviolent demonstrations.
- apply to speech that is protected by the First Amendment.
- apply to student publications or to students responsible for writing, creating, or publishing the material contained in such publications while they are acting within the scope of their journalistic responsibilities.
- limit the ability of the University to employ administrative actions (hold credits, library fines, etc.).

### section II: Expectation of Students

Students accept the rights and responsibilities of membership in the University of Michigan's academic and social community when they are admitted to the University. Honesty in academic work is expected of each student at the University of Michigan. Allegations of academic dishonesty are reported to and handled by the schools and colleges. Each student is expected to respect the rights of others and to work to create an open, intellectually stimulating environment where diversity of ideas is valued and every person's dignity and autonomy is respected.

### section III: Students' Rights and the University's Responsibilities

Students at the University of Michigan have the same rights and protections under the constitutions of the United States and the state of Michigan as other citizens. These rights include freedom of expression, press, religion, and assembly. Freedom of expression, including dissent and voicing

unpopular views, is a valued tradition at the University of Michigan, where students have a long tradition of activism. As members of this community, students have the right to express their own views, but must also take responsibility for according the same right to others.

Students also have the right to be treated fairly by the University and to be informed of University policies affecting them.

Any student accused of violating this policy is entitled to procedural due process protections.

#### A. The University is committed to protecting students' rights of association.

Students are free to organize and join associations to promote their common interests.

#### B. The University is committed to protecting students' rights of inquiry and expression.

Students are free to examine and discuss all questions of interest to them and to express opinions publicly and privately.

The University's commitment to freedom of expression and inquiry has been described in detail in the "Statement on Freedom of Speech and Artistic Expression: The Rights and Obligations of Speakers, Performers, Audience Members, and Protesters at the University of Michigan," approved by the Board of Regents in July 1988. Members of the University community, speakers, artists, and others invited by members of the University community have the right to set forth their views and opinions at the University. Within its lawful authority to do so, the University will protect the right of any member of the University community or any invited speaker or artists to speak or perform. The University will also protect the rights of those members of the University community who wish to hear and communicate with an invited speaker or artist.

#### C. The University is committed to protecting students' rights to a free press.

The University will not restrict the editorial freedom of student publications and the student press.

#### D. The University is committed to protecting students' rights to due process.

Students who have been accused of violating University policies have the right to fair treatment. Students, under this policy, have the right to:

1. be informed, in writing, of the charges against them with sufficient particularity and time to insure opportunity to prepare for a hearing.
2. decline to make self-incriminating statements or to participate in a hearing. Such action will not be interpreted as evidence of guilt, but the process and the hearing will still go forward.
3. decline to appear at the hearing, which will not be interpreted as evidence of guilt, with the understanding that the process and the hearing will still go forward. The judicial advisor will attempt to set hearing times and dates that are mutually acceptable to the parties.
4. present information on their own behalf, including oral and written statements, physical exhibits, and witnesses.
5. require the testimony of any member of the University community who has direct knowledge of the incident; unless the Judicial Advisor determines that the testimony would be irrelevant, immaterial, or redundant or would violate a legal privilege.
6. hear all information presented and to question all people who appear before the hearing committee.

7. be advised by an advisor or attorney for consultation purposes during the hearing.
8. an opportunity to challenge the objectivity of the hearing officer or the panel.
9. have the burden of proof rest upon those bringing the charge.
10. receive a timely written decision.
11. confidentiality as provided by the Family Education Rights and Privacy Act.
12. have a recording made of the hearing.
13. an appeal or review of the original hearing.
14. an open hearing, providing the accused requests an open hearing and either:
  - (a) the complainant consents, or
  - (b) the complainant is not a student and the complaint does not allege sexual assault or harassment, or
  - (c) the judicial advisor, in consultation with the General Counsel's office, determines that no substantial harm will result to the complainant as a result of an open hearing.

#### **Section IV: Students' Responsibilities**

Students at the University of Michigan expect members of their community to be responsible for their actions and to respect the rights of others. These expectations are not meant to limit students' constitutional right to freedom of expression.

##### **A. Actions on campus**

The following personal actions on University property or at official University functions are prohibited by this policy:

1. Sexual assault and rape
2. Harassment, defined as physical force or violence; or behavior, including stalking, that involves a deliberate threat to interfere with an individual's personal safety, academic efforts, employment or participation in university sponsored activities and causes the person to have a reasonable apprehension that such harm is about to occur. Students may not use threats concerning the terms or conditions of an individual's education, employment, housing, or participation in a University activity as a way to gain sex and/or sexual favors.
3. Physical assault, battery, or endangerment of any person
4. The knowing possession, use, or storage of firearms or dangerous weapons, except for authorized academic or employment purposes or in connection with a registered student activity or organization
5. Hazing practices as requirements of membership, advancement, or continued good standing in organizations, defined as including the following willful acts, with or without the consent of the individual involved:
  - physical injury, assault, or battery
  - kidnapping or imprisonment
  - intentionally placing at risk of severe mental or emotional harm
  - degradation, humiliation, or compromising of moral or religious values
  - forced consumption of any liquid or solid
  - mandatory personal servitude
  - placing an individual in physical danger (at risk) which includes abandonment
  - impairment of physical liberties which include curfews or other interference with academic endeavors

6. Unlawful possession, use, manufacture, sale, or distribution of alcohol or other drugs
7. Arson; unauthorized setting of fire, unauthorized tampering with any fire alarms or tire safety systems
8. Fraud against the University, forgery, misuse, or alteration of any university document or record, misuse of the University's computer system to gain access to restricted information, or knowingly furnishing false information to the University
9. Unauthorized taking or possession of property or services of another
10. Intentionally and significantly interfering with teaching
11. Damage or destruction of property belonging to another
12. Illegal entry into University facilities
13. Making a false report concerning a fire, bomb, or other emergency
14. Misuse of the disciplinary procedures, including
  - (a) failure to respond to the request for an interview by the judicial officer during the investigation of a violation (students, including an accused student, may choose not to appear and present testimony at a hearing after a meeting with the judicial advisor)
  - (b) knowingly falsifying or misrepresenting information before a hearing body
  - (c) disruption or interference with the orderly conduct of a hearing
  - (d) knowingly making a false accusation
  - (e) attempting to influence the impartiality of a member of a hearing body prior to, and/or during the course of, a hearing
  - (f) harassment and/or intimidation of a member of a hearing body or of a witness prior to, during and/or after a disciplinary proceeding
  - (g) failure to comply with the sanction(s) imposed by the hearing body
  - (h) influencing or attempting to influence another person to present false information or a false complaint

##### **B. Actions off campus**

While the conduct of students on campus is of concern to members of the academic community, student actions off campus may also negatively affect the security of the community and/or the integrity of the educational process. The University has differentiated these by the nexus to the institution and the egregiousness of the violation. While all illegal conduct by students is abhorrent to the University, the ability to gather evidence, including testimony of witnesses, limits the institution from pursuing most violations which occur at a distance from the University.

1. The following actions committed off campus will result in a challenge through the student judicial system if they occur in Ann Arbor or its environs (within 30 miles of campus):
  - (a) Illegal sale, distribution, or manufacture of drugs
  - (b) physical assault, battery, and endangerment
  - (c) murder
  - (d) arson
  - (e) hazing.
  - (f) sexual assault and/or rape
  - (g) harassment
2. The same actions listed in IV B. 1 may be challenged through the University judicial system regardless of where they occur if a student has been convicted of the offense in a court of law. The University hearing body must decide if the violation poses a clear threat to the mission of the University or to the health and safety of its members.

#### **Section V: Regent's Bylaw 2.01**

The Board of Regents of the University of Michigan in Regent's Bylaw 2.01 has given the President of the University the authority for "the maintenance of health, diligence, and order among the students." In cases

in which student behavior interferes with the University's ability to maintain those conditions, the President, working through designated University officials, normally will refer a student case to the hearing procedures outlined in the procedures section of this document.

## **PROCEDURES FOR RESPONDING TO VIOLATION OF THESE STANDARDS**

### **Section I: Purposes of the Procedures**

These standards and procedures have been established by the University to protect its educational purpose, to provide for the orderly conduct of its activities, to protect the victims of crime, and to safeguard the interests of the University community. These disciplinary procedures used by the University are considered part of its educational process and reflect the philosophy of peer education and evaluation. Hearings or appeals conducted as a part of this process are not courts of law and they are not subject to many of the rules of civil or criminal hearings. Because some of the violations of these standards are also violations of law, students may be accountable to both civil authorities and to the University for their actions. Disciplinary action at the University will normally proceed notwithstanding any civil or criminal proceeding.

### **Section II: Emergency Suspension**

If a student's actions indicate that his or her continued presence on campus or participation in University activities poses an imminent danger to persons or property, the Vice President for Student Affairs may take emergency action through an immediate suspension. Before, within 24 hours after, such emergency suspension is imposed, the student shall be given an opportunity to appear before a designee of the Vice President for Student Affairs. At such time the student may make a statement and present evidence bearing on the alleged violation. If the emergency suspension is continued, the student is entitled to a formal hearing within seven (7) calendar days or as soon as practicable after the accused student is prepared to participate in a hearing.

### **Section III: Filing Complaints, Notice and Investigation**

#### **A. Filing a complaint**

Individuals are encouraged to file complaints when they believe there has been a violation of this policy. The formal mechanisms are designed to afford due process protection to the individuals involved, including time to prepare statements, but also resolve cases in a timely manner.

Those filing complaints under these standards should contact the Office of the Vice President for Student Affairs, in the Fleming Building. A judicial advisor, located within the Office of the Vice President for Student Affairs, administers the procedures and guidelines of these standards. The judicial advisor will consult the Office of the General Counsel regarding such complaints.

All complaints must be filed within six months of the date of the violation or the discovery of the violation.

#### **B. Notice and Investigation**

The judicial advisor will make written notification within ten (10) working days after the filing of the complaint, as well as provide the accused with a complete copy of the complaint. All records and documents to be presented to the hearing committee will be made available to both the accused and complainant. The judicial advisor will conduct a preliminary investigation to determine if there is sufficient evidence to proceed with mediation or a formal hearing. Such a review ordinarily will involve interviewing any complaining witnesses and the accused as well as other necessary witnesses. If the judicial advisor determines there is enough evidence for a hearing committee to find a violation of the policy, a formal hearing process or mediation will be initiated.

If the judicial advisor determines there is insufficient evidence that a violation has occurred, both the accused and the individual filing the complaint will be notified in writing.

When a serious violation has been reported and it appears that a member of the University community is in serious and continuing danger, the judicial advisor will move the case ahead of others to insure a timely hearing.

### **Section IV: Mediation**

The University believes a strong system of mediation of disputes will encourage reporting and resolution of complaints. Mediation is appropriate when all parties involved (accuser(s) and accused) voluntarily agree to engage in the mediation process. Mediation will involve resolution of the incident, including sanctioning when needed. If mediation fails, the case will be forwarded for a formal hearing.

To ensure these standards are applied with a proper regard to their goals and purposes, such mediation will occur solely through or at the direction of the office of the judicial advisor. Other academic and administrative offices may provide counseling and support for students. These offices include Counseling Services, Multicultural Student Programming, the Ombudsman, the Center for the Education of Women, the Sexual Assault Prevention and Awareness Center, the Department of Public Safety, Services for Students with Disabilities, the Lesbian and Gay Male Programs Office, and faculty and staff within the schools and colleges.

### **Section V: Formal Hearing**

The hearing board will consist of six students. At the beginning of each academic year, students will be randomly selected from the student body to serve as potential hearing panelists until a pool of 50 eligible students is obtained. Selected students may be excused by the judicial advisor if service could cause undue hardship. The hearing will be chaired by a faculty or staff member drawn from a panel selected by the Student Relations Committee of Senate Advisory Committee on University Affairs. The chair conducts the hearing and is a non-voting member of the committee. The chair selects a hearing committee by lot from the eligible pool of panelists. The judicial advisor shall provide appropriate training for the faculty and student panel in due process and questioning techniques prior to being assigned to a hearing committee.

The chair shall ensure that panelists are both dedicated to their duty as well as unbiased. The chair's selections may be reviewed by both the complainant and the accused. The complainant or the accused may challenge a committee member or the chair based on bias or other cause. The committee member shall be disqualified if the chair determines that the challenge is justified. The chair shall be disqualified if the Vice President for Student Affairs determines that the challenge is justified.

The chair may consult with the General Counsel's office before, during, and after the hearing regarding procedural matters. The judicial advisor is responsible for sending the complete report of the investigation to the hearing committee, and may be called as a witness. The accused retains the right to confront all witnesses and the accused, complainant, and panelists may question witnesses. Either the complainant or the accused may offer sworn affidavits to the panel for consideration. Both parties may be accompanied and counseled by an advisor of their choice who will be permitted to attend, but not participate in, the proceedings. The following are exceptions to this rule:

- A. In cases where the accused student is physically incapable of being present at a hearing, he/she may be represented during the hearing by a member of the University community.
- B. Students with communication disorders may have a member of the University community speak for them.

The accused must be informed of his or her right to remain silent, and may not be compelled to be a witness against himself or herself. Committee deliberations will be in private. The chair will communicate in writing the results of the hearing to the accused and to the complainant.

The letter communicating the results of the hearing will include a separate finding of facts in the case and how the facts were applied.

If all members of the committee determine, by clear and convincing evidence, that the accused student has violated the policy, they will come to consensus on an appropriate sanction. The finding and sanction of the hearing committee will be communicated to the Vice President for Student Affairs who will enforce the sanctions.

## **Section VI: Alternate Hearing Process**

The accused student may waive a full board hearing and request an administrative hearing. These hearings are conducted by hearing officers appointed by the Vice President for Student Affairs. Administrative hearings will be used during the summer when student board members and faculty chairs are unavailable. An accused student has the option of delaying his or her hearing until the fall term, unless delaying the hearing causes imminent danger to persons or property.

## **Section VII: Appeals**

### **A. Procedure**

If the accused student disputes the finding of the hearing committee or the administrative hearing officer, or the recommended sanction, he or she may appeal the decision. Such an appeal must be submitted in writing to the Vice President for Student Affairs within ten (10) class days after the notice of the decision of the hearing panel. Upon petition, this time line may be extended. The appeal statement should contain the grounds for the appeal. Appeals will be limited to a review of the record of the hearing, written statements submitted by parties and any new evidence. The Vice President will forward the student's letter of appeal and all records of the investigation and hearing to the appeals board. The student may challenge any member of the appeals board for bias. The board member shall be disqualified if the Vice President for Student Affairs determines that the challenge is justified.

### **B. Grounds**

Grounds for the appeal are limited to:

1. the procedures described in this policy were not followed
2. the decision was not supported by the evidence presented at the hearing
3. the sanction was not appropriate for the violation
4. new evidence is available that was not reasonably available at the time of the hearing.

### **C. Appeals Board**

The Appeals Board is composed of three members who are to serve for the academic year and hear all appeals. They are appointed as follows:

1. a student who is elected from and by the 50 students comprising the hearing panel
2. a faculty member who is appointed by SACUA
3. an administrator who is appointed by the President of the University.

Alternate members may be appointed to the Appeals Board as needed.

### **D. Decisions of Appeals Board**

Decisions by the appeals board will be by majority vote. The appeals board must make a decision within ten (10) working days of receiving the appeal. It may take any of the following actions:

1. affirm the original decision concerning the violation of the policy
2. affirm the original decision concerning the disciplinary sanction imposed
3. reverse the original decision concerning the violation of the policy and direct that the complaint be dismissed
4. reverse the original decision concerning the violation of the policy and direct that a new hearing be held before a new hearing board

5. set aside the original decision concerning the sanction and impose a different sanction. The Appeals Board may not impose a greater sanction than the Hearing Committee.

The appeals board will notify the Vice President for Student Affairs in writing of its decision, who will communicate the decision to the student.

## **E. Further Appeals**

The student who filed the appeal may not make any further appeal from this decision. An exception to this rule can be made when a student has been tried in a civil or criminal court for the incident which resulted in a campus hearing and has been found not guilty in criminal court or has a decision in his/her favor in civil court. In this situation, a student may petition for an appeal before an Appeals Board, regardless of earlier appeals or length of time since the hearing committee's decision.

## **Section VIII: Records**

Detailed records will be maintained by the judicial advisor about any actions undertaken under the policy. Accordingly, records will be maintained by the judicial officer of formal complaints, hearings, mediations, resolutions, findings, sanctions, and appeals. Two sets of records of these data will be maintained, an expunged version for public review and a confidential version for permanent records. Confidentiality of the records will be maintained to the extent required by law, including the Family Education Rights and Privacy Act. Records will be maintained in such a way that data on violations of this policy are easily available to the public. The judicial advisor will annually compile and release detailed statistics and examples of the administration and enforcement of the policy. However, some data may not be releasable if the identity of individuals involved would be revealed.

## **Section IX: Sanctions**

Hearing panels should fashion sanctions commensurate with the offending conduct. Because education may be the most effective and appropriate means of addressing behavior that violates these standards in a University community, the University encourages hearing panels to design sanctions which include an educational element. One purpose of the sanctions is to help students understand their behavior in the context of this academic community. It is inappropriate for the University to try to change student's convictions; however, it remains appropriate for the University to ask a student to change behavior. Sanctions should be designed to deter the student from behaviors which harm, intimidate, harass, or threaten others. Regrettably, some conduct is so harmful to members of the University community or deleterious to the educational process that it requires more punitive sanctions. Hearing panels should impose such sanctions where appropriate.

Certain factors should be considered in fashioning the sanctions. These include the intent of the accused, the effect of the conduct on the victim and the University community, whether the student has violated the standards in the past, and whether sanctions such as education and community service are likely to change the student's conduct. The most severe sanctions, suspension from the University and expulsion, should be imposed only in very serious cases, including the willful failure to comply with a lesser sanction. The range of potential sanctions is as follows:

### **A. For any offense**

1. Formal Reprimand: The individual receives a formal reprimand for violating the standards of behavior and a warning that future violations will be dealt with more harshly.
2. Community Service: The individual performs an appropriate amount of public service that is both beneficial to the community and likely to assist the individual in understanding the harm caused by his or her conduct.
3. Class Attendance: The individual enrolls in and completes a class that helps the person understand why the standards prohibit the conduct involved.

4. Restitution : The individual makes restitution to the victim for actual loss.
5. University Housing Transfer or Removal: The individual is transferred to a another room or housing unit, or is removed from University housing entirely. Additional policies identifying responsibilities of students living in University Housing are available in the document ***Guidelines for Community Living***. The disciplinary process and sanctions described in that document may be applied as appropriate.
6. Suspension from Specific Courses or Activities: The individual is removed from a course or activity; or the individual is moved to a different section of a course.
7. Combined Sanctions: A combination of the sanctions described above may be imposed.

**B. For offenses which are violent, dangerous, repeated, or a willful failure to comply with a lesser sanction**

8. Suspension: The individual is suspended from the University for a defined period of time. When a student is suspended during a term, his or her tuition is forfeited. The Vice-President for Student Affairs shall consult with the dean, chair, or director in the unit in which the student is enrolled before suspension is imposed.
9. Expulsion: The individual is expelled from the University. When a student is expelled during a term, his or her tuition is forfeited. The Vice-President for Student Affairs shall consult with the dean, chair, or director in the unit in which the student is enrolled before expulsion is imposed.

The sanctions imposed under these standards do not diminish or replace the penalties available under generally applicable civil or criminal laws. Students are reminded that many violations of the standards, including harassment and other discriminatory behavior, may violate various state and federal laws.

**Section X: Amendments**

**A. Proposal**

Amendments to the Statement of Student Rights and Responsibilities can be proposed by the Michigan Student Assembly, SACUA, any Executive Officer of the University, by a petition sponsored by a student and signed by 500 currently enrolled students, or the faculty/student Panel. The judicial advisor shall bring all proposed amendments to the Panel for consideration.

**B. Consideration by the Panel**

All proposed amendments shall be considered and voted on by the Panel during the academic year. The Panel shall hold at least one public hearing on the proposed amendments. After the public hearing the Panel shall convene a meeting to determine by majority vote whether to approve a proposed amendment. The Panel may modify a proposed amendment at this time. During the public hearings and this meeting, at least 26 student panel members must be present. If less than 26 student members are present, no action may be taken. If the Panel votes to approve a proposed amendment it will be forwarded to the Board of Regents through the Vice President for Student Affairs.

**C. Approval, Limitation and Exceptions**

This is the only procedure by which faculty, staff or students can make amendments to the Statement of Student Rights and Responsibilities not required by law. If an amendment is required by law, it can be unilaterally enacted by the Board of Regents. The Regents of the University of Michigan may reject any amendment approved by this procedure. The Regents may propose and enact amendments without following this procedure.

**EFFORTS TO EDUCATE THE STUDENT COMMUNITY ON THEIR RIGHTS, RESPONSIBILITIES AND THESE STANDARDS**

**A. Education and Prevention**

The prevention of behavior that violates these standards and establishment of effective procedures with due concern for all parties require a thoughtful educational program.

1. The University will provide resources and time for the prevention of, and education about conduct that violates these standards. The University will provide information to deans, student affairs staff, chairs, and directors in each unit concerning: (a) student rights and responsibilities under this policy; (b) how complaints are filed; (c) summaries of cases; and (d) sources of support and information for victims and respondents.
2. Deans and heads of major administrative units are strongly encouraged to discuss these standards at meetings of faculty, staff, and teaching assistants. In addition, the deans and heads of major administrative units are urged to examine practices and behavior within their own units that may be inequitable or unjust to students.
3. Training programs for residential advisors, those who meet students in crisis situations, and others serving in an advising capacity to students, will include training about referrals, resources, and methods for handling conduct covered by this policy.
4. The Office of Student Affairs will develop an overall educational program for students dealing with issues covered in this statement and will provide information, definition, support, identification of resources, and exploration of behavioral alternatives. Educational programs will be directed toward, but not restricted to, new undergraduate and graduate/professional students
5. The University will publish annually this statement and the procedures, including the resources available to advise, counsel, and assist in the mediation or reporting of violations of these standards. The information will explain how to utilize University-wide and school-specific resources.

**B. Exit Interviews**

The University will survey annually a sample of departing students to measure the existence and frequency of incidents that violate these standards, with a focus on violent or intimidating conduct, as well as survey all participants in the judicial system.

Effective: January 1, 1993

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## **FEDERAL, STATE AND LOCAL LAWS**

Federal and State sanctions for illegal possession of controlled substances range from up to one year imprisonment and up to \$100,000 in fines to three years' imprisonment and \$250,000 in fines for repeat offenders. Under federal laws, trafficking in drugs such as heroin or cocaine may result in sanctions up to and including life imprisonment for a first offense involving 100 grams or more. Fines for such an offense can reach \$4 million. Offenses involving lesser amounts, 10-99 grams, may result in sanctions up to and including 20 years' imprisonment and fines of up to \$20 million. A first offense for trafficking in marijuana may lead to sanctions up to life imprisonment for an offense involving 1,000 kg. or more or up to 5 years' imprisonment for an offense involving less than 50 kg. Such an offense carries with it fines that can reach \$4 million for an individual offender. Under Michigan laws, use of marijuana is a misdemeanor punishable by up to 90 days in jail and a \$100 fine. Delivery of marijuana is a felony punishable by up to four years' imprisonment and up to \$2,000 in fines. Violations may also lead to forfeiture of personal and real property and denial of federal benefits, such as grants, contracts, and student loans.

The State of Michigan may impose a wide range of sanctions for alcohol-related offenses. For example, a first drunk driving offense may be punished by up to 90 days in jail, a fine of not less than \$100 nor more than \$500, suspended license for not less than six months nor more than two years, and up to 45 days of community service. Subsequent offenses can lead to significantly increased sanctions. The vehicle of a minor transporting alcohol may be impounded for up to 30 days. Furnishing or using fraudulent identification to obtain alcohol may be punished by up to 90 days in jail and a \$100 fine.

The City of Ann Arbor may impose a maximum sanction of \$100.00 fine plus court cost, 90 days in jail and probation up to 2 years for consumption of liquor in a public parking area or structure and the use of false identification to obtain alcohol. In addition to the above, false use of driver's license to obtain alcohol may result in suspension of driver's license.

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## ALCOHOL BEVERAGES POLICY

### UNIVERSITY OF TULSA

#### I. PHILOSOPHICAL STATEMENT

The University of Tulsa is an educational and social community wherein its students and their guests interact in a wide variety of activities. It is acknowledged that at some of these activities the consumption of alcoholic beverages will occur. So that these activities can be reasonably governed, and in order to promote responsible conduct with respect to alcohol consumption, this policy is established to conform with state and federal laws and in keeping with the mission of The University of Tulsa.

The university deplors the abuse of alcohol, intoxication, and unacceptable conduct that may result therefrom. A university-wide commitment to alcohol education prevails. Further, members of the university community are assured that the absence of alcohol from social events is an acceptable practice.

#### II. BASIC PRINCIPLES

##### A. The Law

The University of Tulsa holds its students and the officers of student organizations responsible for the observance of state and federal laws with respect to alcoholic beverages.\* These laws prohibit consumption of alcoholic beverages by anyone under 21 years of age. These laws also make it unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone under 21 years of age or to an intoxicated person, to consume them in a public place, or to misrepresent one's age to obtain alcoholic beverages. Further, it is unlawful for anyone 21 years of age or older, except a parent or guardian, to sell or furnish alcoholic beverages to anyone under the age of 21.

\*Oklahoma Law: Title 37, Sec. 241, 1985.

\*Federal Law: Drug-Free Schools and Communities Act, 1990.

##### B. Definition of Alcohol

The alcohol policy at The University of Tulsa is designed to ensure uniform application and understanding. To that end, it is essential that all persons recognize that the intent of this alcohol policy is to extend a very broad meaning to the definition of alcoholic beverages. Therefore, alcohol and alcoholic beverages are defined to be any consumed beverage which has alcohol content. This would include but not be limited to all forms of beer, wine, wine coolers, and distilled beverages.

##### C. Jurisdiction and Violations

Violations of the Alcohol Policy will be reviewed under the provisions of The University of Tulsa Judicial Code. The Alcohol Policy shall apply to every function or event, including but not limited to receptions, banquets, dinners, picnics, or any outdoor event, social event, and campus-wide activity sponsored by organizations

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or individuals associated with The University of Tulsa. In addition, other off-campus University of Tulsa events that imply or express university affiliation are bound by this policy. This policy is in effect during all periods of the year including summer months,

D. Responsibility

The presence of alcohol at student activities creates a need to manage the activity with care and to be concerned with the conduct of those present. Those who plan or choose to attend events where alcoholic beverages will be present and consumed must assume full legal responsibility and liability for the consequences of their actions. The university holds officers of student organizations specifically responsible for the activities of their organization, members, and guests. The university will proceed with appropriate conduct hearings or administrative action whenever a breach of this expectation occurs.

E. Alcohol Consumption and Personal Choice

Consuming alcoholic beverages is clearly a matter of personal choice. When students choose not to do so, their position should be honored and peer or organizational pressure should never be exerted to cause them to do otherwise.

F. Education

The use, abuse, intoxication, and the dependency on alcoholic beverages is an issue that is of concern to The University of Tulsa community as well as society at large. To this end, education becomes the responsibility of the entire campus community and includes an individual's peers, and any organization sponsoring an event where alcoholic beverages are served. Any student organization that intends to conduct events where alcoholic beverages will be consumed will be required to:

1. have its president and social chairman attend a university sponsored alcohol education seminar;
2. conduct a university approved alcohol education seminar for its entire membership once each year.

G. Designated Driver and Non-Drinker Programs

The university, in connection with events where alcoholic beverages are consumed, requires student organizations to implement designated driver and non-drinker programs. Such efforts provide for the welfare of members and guests and reduce exposure to liability. A designated driver is defined as a person who will not consume alcoholic beverages immediately prior to, during, or immediately following the event. Designated drivers will be responsible for escorting to their place of residence those who would seem to have impaired driving abilities.

H. Alcohol Abuse, Intoxication, and Intervention

The university abhors alcohol abuse and intoxication and has the responsibility to intervene in situations where such occurs. Therefore, individuals demonstrating abuse, intoxication, or dependency may be subject to university discipline and will be referred to appropriate university or community services for assistance. Student

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organizations encouraging abuse of alcohol or disregard for the principles of this policy are subject to disciplinary action.

### III. IMPLEMENTATION

#### A. Registration of Events

All events where alcoholic beverages may be consumed, whether held on or off the campus, are to be properly registered with the Student Affairs Office, Holmes Student Center. Registration must occur at least seven (7) days in advance of the event. Parties confined to the individual residence rooms of students or that do not affect the immediate environs or the larger community, need not be registered. Students residing in residence halls are referred to the Residence Living Handbook regarding policies specific to residence halls.

#### B. Alternate Beverages and Food

Since many individuals choose to not consume alcoholic beverages, at any function where alcoholic beverages are served, the sponsoring organization must also provide non-alcoholic beverages in sufficient quantity to meet the needs of the guests. Likewise, a variety of non-salty foods are required and must be available to all guests throughout the event.

#### C. Publicity and Sponsorship

Publicizing events where alcoholic beverages will be consumed must be done in such a way as to bring credit to the sponsoring organization and the university. Such publicity must focus on the purpose of the event and not on the availability of alcoholic beverages,

#### D. Proof of Age

At any event where alcohol is consumed, whether served or sold, legal proof of age must be presented to those in charge of the event.

#### E. Approved Locations for Alcohol Consumption and Sale

1. The sale of beer by the university may occur only in the Hurricane Hut or in other locations as permitted by the university's license. Beer purchased in the Hurricane Hut may be consumed in the Hut and the Great Hall of Allen Chapman Activity Center. Alcoholic beverages purchased elsewhere may not be consumed in Allen Chapman Activity Center.
2. When an event has been properly registered, beer may be consumed but not sold by the student organization in the following locations:
  - a. The Great Hall, the Hurricane Hut, and the patios and surrounding areas of the Allen Chapman Activity Center (only beer purchased in the Hut may be consumed in these locations)
  - b. Shaw Alumni Center
  - c. Residence Halls
  - d. Fraternity houses
  - Harwell Field
  - f. The "U"

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#### IV. GUIDELINES REGARDING ALCOHOLIC BEVERAGES

##### A. SAB Registration for Organizations

Only Student Activities Board (SAB) organizations may sponsor events where alcohol is consumed. The SAB, a part of the Student Association, establishes recognition of student organizations. Students wishing to have their organization recognized by the SAB must complete the materials required. Such materials are available at the Information Desk in the Allen Chapman Activity Center.

##### B. Authorization and Supervision

The president of the sponsoring organization must authorize the event by signature as required on the Alcohol Event Registration Form. Additionally, the social chairman or other appropriate officer must sign. These officers must plan to be in attendance at the event throughout its entirety. If one of these officers is unavailable, the next ranking officer must assume the responsibility.

##### C. Security

At any registered event where alcohol is consumed, off-duty police officers must be present. When an event has more than 100 people present, an additional officer is required for each 50 individuals in attendance. The sponsoring organization must make these arrangements at least seven (7) days prior to the event by contacting the Director of Safety and Security in the Holmes Student Center. The Director may also require additional security measures if circumstances warrant.

##### D. Party Monitors

All student organizations that intend to conduct events where alcohol will be consumed are required to nominate three (3) students each semester to a party monitor pool. On a random basis, two members of the pool and one member of the pool from the sponsoring organization will be assigned to attend registered events and monitor compliance with this policy. Monitors will submit compliance reports to the Dean of Students. These reports assess the organization's compliance with the stipulations of this policy.

##### E. Responsibility Regarding Damages

If damage to property occurs at any event where alcohol is served, the direct cost of repair may be passed on to the sponsoring organization. Additionally, the university may elect to proceed with disciplinary measures. The determination in these matters will be handled by the appropriate supervisor of the facility. Any discrepancies or appeals of damage may be referred to the Dean of Students. Until such time that damage claims have been resolved, the student organization shall not be able to sponsor any social event on or off campus.

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F. Prohibition of "Open" Parties

Student organizations that sponsor registered events where alcoholic beverages are consumed may have only University of Tulsa students and invited guests in attendance. TU students must present a valid University of Tulsa Identification card to gain admission to the event. Further, student organizations are urged to extend written invitations to those whom they wish to have attend the event. A list of invited guests by name must be posted at the entrance to the event and monitored by a responsible member of the organization or a security person. Admission of an individual whose name is not on the list must be approved in writing by the organizational representative,

G. Prohibition of Keg Beer, Wine, and Distilled Beverages

Keg beer, wine, distilled beverages, and punches made from wine or distilled beverages are not permitted on The University of Tulsa campus, except as provided by Dining Services,

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